

IH-32

Rev: 2014-1

United States District Court
for the
Southern District of New York
Related Case Statement

Full Caption of Later Filed Case:

Frank Kelly, Individually, and on behalf of
all others similarly situated,

Plaintiff	Case Number
vs.	E.D.N.Y. Case No. 17-cv-5737
Call-A-Head Corp., and Charles Howard	
Defendant	

Full Caption of Earlier Filed Case:

(including in bankruptcy appeals the relevant adversary proceeding)

Juan Vargas, on behalf of himself and all
other similarly situated

Plaintiff	Case Number
vs.	S.D.N.Y. Case No. 15-cv-5101
Charles W. Howard and Call-A-Head Corp.	
Defendant	

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Rev: 2014-1

Status of Earlier Filed Case:☐

Closed

(If so, set forth the procedure which resulted in closure, e.g., voluntary dismissal, settlement, court decision. Also, state whether there is an appeal pending.)

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Open

(If so, set forth procedural status and summarize any court rulings.)

There is a pending Motion for Rule 23 Class Action filed by the Plaintiffs and Cross-Motion for Summary Judgment filed by the Defendants fully briefed and awaiting decisions from the Court. Previously, the Court granted conditional certification of collective action and notices were sent to all potential class members.

Explain in detail the reasons for your position that the newly filed case is related to the earlier filed case.

The Plaintiff in the newly filed case is a member of the collective action and would be a member of the class action if the Court were to grant the Rule 23 Class Action motion. In addition, the Plaintiff in the newly filed case seeks both collective action and class action relief, the exact relief sought in the earlier filed action and either granted or pending in the first-filed case.

It is the Defendants' intention to file a Motion for a Stay of the newly filed case.

Signature: _____


Date: October 13, 2017

Firm: _____

Austin Graff, The Scher Law Firm, LLP,
attorneys for the Defendants